



REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
DETROIT DISTRICT, CORPS OF ENGINEERS  
477 MICHIGAN AVENUE  
ROOM 602  
DETROIT, MICHIGAN 48226-2550

January 3, 2017

Engineering & Technical Services  
Regulatory Office  
File Number LRE-2015-00944-16-N16

Dave Falzon  
Great Lakes Shores Subdivision, Inc.  
36911 Ladywood  
Livonia, Michigan 48154

Dear Mr. Falzon:

Please refer to your application for a Department of the Army (DA) permit to repair an existing seawall and discharge riprap toe stone in Lake Huron at Lakeview Road, in Lexington, Michigan. We have verified that the project is authorized by Nationwide Permits NWP 3 Maintenance and 13 Bank Stabilization as published in the Federal Register.

You may proceed with the work per the following project description, attached drawings, and attached general and special conditions:

Repair/replace a total of approximately 60 linear feet of sheet steel seawall in three (3) locations as indicated on the attached drawings. Discharge approximately 130 cubic yards of riprap over 42 cubic yards of filter stone and filter fabric along approximately 280 linear feet of seawall as indicated on the attached plans.

Special Conditions:

1. If you discover any unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately stop work in that area and notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

Any construction activity other than that shown on the plans may not qualify for the authorization. If you contemplate any changes or additional activities from those depicted on the plans, please submit them to this office for authorization review prior to any construction. On completion of the work, you must fill in and return the enclosed COMPLETION REPORT.

Our regulatory guidance requires us to provide recipients of permit verifications with a jurisdictional determination (JD). The Corps of Engineers uses two types of JDs: (1) Approved Jurisdictional Determinations (AJD), which are considered "official" JDs and can be administratively appealed or (2) Preliminary Jurisdictional Determinations (PJD), which are non-binding JDs and advise an interested party that the Corps of Engineers believes there may be waters of the United States on the property that fall under the Corps' regulatory authority and enables the Corps and a permit applicant or other affected party to resolve certain jurisdiction and permit issues without expending time on making an official determination of the Corps' jurisdiction.

Per the information in your application, we determined the work described in this permit verification will occur in a navigable water of the United States subject to the Detroit District, U.S. Army Corps of Engineers' regulatory authority under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Our listing of navigable waters under the Corps' regulatory authority within the Detroit District's geographic area can be found at:

[www.lre.usace.army.mil/Portals/69/docs/regulatory/PDFs/navwaterslistLREwithcutoffs23Sep2014.pdf](http://www.lre.usace.army.mil/Portals/69/docs/regulatory/PDFs/navwaterslistLREwithcutoffs23Sep2014.pdf). A PJD for this permit verification is enclosed.

Our intended use of a PJD in this instance does not preclude an applicant/affected party from requesting an AJD, which would provide an official determination of jurisdictional waters on a site. As noted above, an AJD can be administratively appealed. Information regarding the appeals process can be found in the enclosed form entitled Notification of Administrative Appeals Options and Process and Request for Appeal. If use of a PJD satisfies your needs with respect to the above-discussed activity, please sign and return a copy of the PJD to our office within 30 days of the date of this letter. As stated in paragraph 2 of the enclosed PJD, undertaking the work subject to this permit verification, even if you do not return a signed copy of the PJD, constitutes acceptance of the use of the PJD and agreement that all wetlands and waterbodies on the site affected in any way by the work in question are jurisdictional waters of the United States. Please contact us if you have questions on our appeals process.

This verification is valid until the NWP is modified, reissued, or revoked. All of the existing NWPs are scheduled to be modified, reissued, or revoked prior to March 18, 2017. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit.

As per 33 CFR 325, Appendix A, representatives from this office are allowed to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of the Nationwide Permit.



Should you have any questions, please contact me at the above address, by E-Mail at Stanley.F.Cowton@usace.army.mil, or by telephone at (313) 226-2219. In all communications, please refer to File Number LRE-2015-00944-16-N16.

We are interested in your thoughts and opinions concerning your experience with the Detroit District, Corps of Engineers Regulatory Program. If you are interested in letting us know how we are doing, you can complete an electronic Customer Service Survey from our web site at: [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=136:4:0](http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0). Alternatively, you may contact us and request a paper copy of the survey that you may complete and return to us by mail or fax. Thank you for taking the time to complete the survey, we appreciate your feedback.

Sincerely,



Stanley F. Cowton, Jr.  
Regulatory Project Manager  
Permit Evaluation Eastern Branch

Enclosures

Copy Furnished

Michael Quaine (BMJ Engineering & Surveyors, Inc.)  
MDEQ, Bay City District Office, O'Brien, WRP004637  
Bay City Field Office  
NOAA